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FACSIMILE TRANSMITTAL FORM

TO: US Patent and Trademark Office,
Group Art Unit 3739

Fax No: 571-273-8300

Phone No:

FROM: Michael J. Bolan
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Fax No: (949) 625-8955

Phone No: (949) 724-1849

Re: U.S. Patent Appln. Serial No. 10/660,820
For: Ablation Catheter with Tissue Protecting Assembly
Inventor(s): Huy D. Phan, et al.

Date/Time: March 15, 2006**No. of Pages:**
(including cover) 6**Docket No.:** 03-0140 (US01)

Note: PLEASE DELIVER IMMEDIATELY TO EXAMINER PETER J.
VRETTAKOS

I hereby certify that a Response After Final (4 pages) and Transmittal (1 page) are being facsimile transmitted to the United States Patent and Trademark Office on the date show above.

Jocelyn L. Lee

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PATENT

03-0140 (US01)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:)
 Huy D. Phan, et al.) Confirmation No.: 7044
 Serial No.: 10/660,820) Group Art Unit: 3739
 Filed: September 12, 2003) Examiner: Vrettakos, Peter J.
 For: ABLATION CATHETER WITH)
TISSUE PROTECTING ASSEMBLY)

Mail Stop AF
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

RESPONSE TRANSMITTAL

Dear Sir:

Transmitted herewith is a Response After Final (4 pages) in reply to the Final Office Action, mailed January 24, 2006, for the above-identified application.

Respectfully submitted,

VISTA IP LAW GROUP LLP

Dated: March 14, 2006

By: 
 Michael J. Bolan
 Reg. No. 42,339

Customer No. 23410
 Vista IP Law Group LLP
 2040 Main Street, 9th Floor
 Irvine, CA 92614

CERTIFICATE OF MAILING

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**MAR 15 2006 PATENT
03-0140 (US01)**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:)	Group Art Unit: 3739
Huy D. Phan, et al)	Confirmation No.: 7044
Serial No.: 10/660,820)	Examiner: Vrettakos, Peter J.
Filed: September 12, 2003)	
For: ABLATION CATHETER WITH TISSUE PROTECTING ASSEMBLY)	

RESPONSE AFTER FINAL

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Washington, D.C. 20231

**Response under 37 CFR 1.116
Expedited Procedure
Examining Group**

Dear Sir:

This letter is responsive to the Final Office Action, dated January 24, 2006. Unamended claims 1-21 remain pending in this application, all of which stand rejected. Based on the following remarks, reconsideration and allowance of this application is respectfully requested.

Claim Rejections-35 U.S.C. §102

Claims 1-5, 7, 8, 10, 12-15, and 19-21 stand rejected under 35 U.S.C. §102(b), as being anticipated by U.S. Patent No. 4,913,164 issued to Greene, et al. ("Green"). Applicant respectfully

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traverses this rejection, since Greene does not disclose each and every element required by these claims.

In particular, in addressing Applicant's previous amendment and response, the Examiner has referred to the element 46 of Greene as an ablative element, and further stated that the tines 56 prevent element 46 from contacting tissue. While it is possible that the tines 56 do prevent the element 46 from contacting solid tissue, the element 46 is not an ablative element, such as, e.g., an electrode, since it does not ablate. Rather, it is the tip electrode 42 that ablates, and is thus, an ablative element. As clearly shown and described in Greene, the tines 56 do not prevent the electrode 42 from contacting solid tissue.

In the body of the rejection, the Examiner has characterized the elements 40, 46, and 42 as the ablative element/electrode. To the extent that this is true, however, the elements 14, 24, or 56 do not prevent the so-called ablative element (combination of 40, 46, and 42) from contacting solid tissue, since the tip of the combined ablative element (i.e., the tip electrode 42) does indeed contact tissue.

To maintain internal consistency with the interpretation of "ablative element," if the combination of the elements 40, 46, and 42 are to be considered as the claimed "ablative element," it is important to note that a portion of that combined ablative element (i.e., element 46) cannot be parsed out and called the same ablative element for the purpose finding an element in Greene that does not contact solid tissue. To the extent that the Examiner maintains the rejection of the claims over Greene, Applicant respectfully requests that the Examiner be consistent in reading the term "ablative element" onto the feature(s) disclosed in Greene. That is, if the element 46 is to be considered an "ablative element," then the element 46 should be considered as such through the entire analysis, and if the combination of elements 40, 46, and 42 is to be considered an "ablative

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element," then the combination of elements 40, 46, and 42 should be considered as such through the entire analysis.

Thus, Applicant submits that independent claims 1 and 19, as well as the claims depending therefrom (claims 2-5, 7, 8, 10, 12-15, 20, and 21), are not anticipated by Greene, and as such, respectfully request withdrawal of the §102 rejections of these claims.

Claim Rejections-35 U.S.C. §103

Claims 6, 9, 11, and 16-18 stand rejected under 35 U.S.C. §103, as being obvious over various combinations of Greene, U.S. Patent No. 6,161,047 issued to King et al. ("King"), and U.S. Patent No. 6,405,067 issued to Mest et al. ("Mest"). Applicant respectfully traverses these rejections, since none of Greene, King, or Mest, disclose, teach, or suggest the combination of elements required by these claims. In particular, as previously discussed, Greene does not disclose a protective element that prevents the ablative element from contacting tissue, and King and Mest do not supplement this failed teaching.

Thus, Applicant submits that claims 6, 9, 11, and 16-18 are not obvious over the combination of Greene, King, and Mest, and as such, respectfully request withdrawal of the §103 rejections of these claims.

Conclusion

Based on the foregoing, it is believed that all claims are allowable, and thus, a Notice of

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Allowance is respectfully requested. If the Examiner has any questions or comments regarding this amendment, the Examiner is respectfully requested to contact the undersigned at (949) 724-1849.

Respectfully submitted,

VISTA IP LAW GROUP LLP

Dated: March 14, 2006

By:



Michael J. Bolan
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